

REMARKS

This Paper is submitted in response to the Office Action mailed on July 28, 2006 having a shortened statutory response period ending on October 28, 2006. This Paper is submitted within the shortened statutory response period. The Commissioner is hereby authorized to charge any fees and any additional fees to Deposit Account number 02-1818.

Claims 1-22 are pending in this application. The indication of allowable subject matter in claims 5-9, 11-15 and 17-21 is noted with appreciation.

Claims 10 and 16 were objected to for lacking a period. Present claims 10 and 16 each include a period.

Claims 1-4, 10, 16 and 22 were rejected under 35 U.S.C. §112 2nd paragraph as the structural formula for the alkylglycoside was alleged to be indefinite. Applicants respectfully submit that the open ring on the left terminal unit of the alkylglycoside polymer is a typographical error. The left terminal unit for the alkylglycoside polymer should be a closed icodextrin ring. The specification and claims have been amended to correct this typographical error. Support for the alkylglycoside polymer with a closed left terminal icodextrin ring may be found in parent patent application serial no. 09/206,063, now U.S. Patent No. 6,770,148. Neither has new matter been added nor claim scope narrowed as a result of these amendments.


The claims were objected to as the “n” in the chemical structure is not defined. One of ordinary skill in the art would readily recognize that the “n” denotes that the degree of polymerization (*i.e.*, the number of repeating glucose units) may vary for each of the recited glucose polymers. *See* present application, p.7 lines 20-31, Table 2, Table 3. Indeed, the Patent Office determined that the “n” was definite in the claims of parent application serial no. 09/206,063, now U.S. Patent No. 6,770,148.

Regarding the alleged objection to the term “substantially” in claims 2-4, clearly one skilled in the art would consider the term “substantially free” to mean any negligible amount of formaldehyde (claim 2), furfurals (claim 3), or terminal aldehyde groups (claim 4) that may remain in the peritoneal dialysis solution recited in the claims. In view of the foregoing, Applicants respectfully request that the § 112 rejections be withdrawn.

Applicants look forward to early and favorable consideration of this matter.

Respectfully submitted,

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